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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 1, 1023 (Peanuts-53)-1]

PART 729—PEANUTS

DETERMINATION WITH RESPECT TO TYPES OF PEANUTS IN INSUFFICIENT SUPPLY FOR 1953-54 MARKETING YEAR

The purpose of this proclamation is to establish that the supply of Valencia type peanuts for the marketing year beginning August 1, 1953, will be insufficient to meet the estimated demand for cleaning and shelling purposes, to establish the extent of increase in State allotments for States producing Valencia type peanuts required to meet such demand, and to apportion such increase to such States. These determinations are made pursuant to section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), which reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Section 729.405 of this proclamation defines each of the four commonly known basic types of peanuts—Runner, Spanish, Valencia, and Virginia—by describing the outstanding physical characteristics of each type and the areas of the United States in which each is most commonly grown. The definition of Virginia type peanuts includes a requirement that each lot or load of peanuts having Virginia type characteristics must contain a minimum percentage of large, so-called "Fancy" size peanuts, otherwise such lot or load will be considered Runner type peanuts.

Section 729.406 establishes the type of peanuts for which the supply for the marketing year beginning August 1, 1953, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it. This determination is based on the estimated production of each type of peanuts from the State allotments previously announced for the 1953 crop, on the basis of the average yield per acre of peanuts by types in the five years 1948-1952, adjusted for trends in yields and for abnormal conditions of production affecting yields in those years. Section 729.406 also establishes the total increase in State allotments required to meet the prescribed demand for Valencia type peanuts.

Section 729.407 apportions the increase determined under § 729.406 to States producing Valencia type peanuts. Such increase is prorated to such States on the basis of the average acreage of Valencia type peanuts (excluding acreage in excess of farm allotments) grown in each State in the three years 1950-1952, but the allotment for no State is increased above the 1947 harvested acreage of peanuts for the State. For the purpose of this proclamation "farm allotments" for 1951 and 1952 means the allotments established for the farm prior to any increase from re-

(Continued on p. 1883)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

leased acreage or from the additional acreage allotted to farms producing Virginia or Valencia type peanuts. The 1950-1952 average acreages used for the purposes of the aforementioned apportionment were determined by the State and county committees, in accordance with instructions issued by the Assistant Administrator, on the basis of data reported by farm operators and county office records of peanut acreages and production. The same data will be used as the basis for apportioning the State acreage to farms in accordance with the provisions of § 729.429 of the marketing quota regulations for the 1953 crop of peanuts (17 F. R. 10611)

Section 729.408 specifies that the increase in acreage allotted to States under § 729.407 shall not be considered in establishing future State, county, or farm acreage allotments.

Public notice of the proposed determination with respect to the supply of the several types of peanuts for the 1953–54 marketing year was given (18 F. R. 207) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) The proclamation is made after due consideration of recommendations submitted in response to such notice. Peanut farmers are now making plans for the production of peanuts in 1953. In order that the State and county Production and Marketing Administration committees may establish farm acreage allotments, including the apportionments of the additional acreage provided herein for Valencia types of peanuts, and issue allotment notices to farm operators at the earliest possible date, it is essential that this proclamation be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and the additional acreage allotments contained herein shall be effective upon filing of the document with the Director, Division of the Federal Register.

Sec.

AUTHORITY: §§ 729.405 to 729.409 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 358, 55 Stat. 89, as amended, 65 Stat. 29; 7 U. S. C. 1358.

§ 729.405 *Definition of types of peanuts.* For the 1953 crop of peanuts, the generally known types of peanuts are defined as follows:

(a) Runner type peanuts means peanuts commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner, produced principally in the Southeastern peanut-producing area of the United States and identified by the following characteristics: typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; and seeds crowded in pod with adjacent ends sharply shouldered. Runner type peanuts will also include lots or loads of peanuts having Virginia type characteristics but not meeting size requirements specified in paragraph (d) of this section for Virginia type peanuts.

(b) Spanish type peanuts means peanuts commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut-producing areas of the United States and identified by the following general characteristics: typically two-seeded pods, which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep; and seeds globular to oval and practically smooth.

(c) Valencia type peanuts means peanuts commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia, produced principally in Tennessee and New Mexico, and identified by the following general characteristics: typically three or four and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation; and seeds globular to oval.

(d) Virginia type peanuts means peanuts commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: typically two-seeded pods which are of an average size larger than any other type; pods are roughly cylindrical, with veining and corrugation deep; and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth. Any lot or load of peanuts which contains less than 20 percent "Fancy" size (peanuts riding a 34/64" x 3" slotted screen) will be considered Runner type peanuts.

§ 729.406 *Designation of type for which increase is needed and determination of total increase.* The State peanut acreage allotments for the 1953 crop for States which produced Valencia type peanuts during one or more of the years 1950, 1951, and 1952, shall be increased by a total of 658 acres. This increase is determined to be the additional acreage required to meet the demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

§ 729.407 *Apportionment of increase to States.* The acreage established in § 729.406, is hereby apportioned to States on the basis of the average acreage (excluding acreage in excess of farm allotments) of Valencia type peanuts in each State in 1950, 1951, and 1952.

State	1947 harvested acreage of peanuts	Increase in State allotment for Valencia type peanuts	Previous State allotment	Revised State allotment
Alabama	403,000	51	227,618	227,672
Arizona	0		743	743
Arkansas	8,000		4,406	4,406
California	0		982	982
Florida	107,000	23	57,203	57,226
Georgia	1,121,000	3	647,843	647,843
Louisiana	5,000		2,000	2,000
Mississippi	15,000		7,891	7,891
Missouri	0		227	227
New Mexico	14,000	518	5,124	5,642
North Carolina	222,000		172,239	172,239
Oklahoma	322,000		143,405	143,405
South Carolina	23,000	8	14,302	14,310
Tennessee	5,000	52	3,722	3,774
Texas	822,000		370,759	370,759
Virginia	162,000		110,216	110,216
Total apportioned for old farms			1,672,893	1,673,551
Total apportioned for new farms			5,553	5,553
U. S. total	3,230,000	653	1,678,451	1,679,133

The above increase does not result in increasing the State allotment for any State above the 1947 harvested acreage of peanuts for such State.

§ 729.408 *No credit for future allotments.* The increase in acreage allotted to States and farms pursuant to §§ 729.407 and 729.429, respectively, shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.409 *Definitions and miscellaneous provisions.* The applicable definitions and provisions in §§ 729.410 to 729.432 of the marketing quota regulations for the 1953 crop of peanuts (17 F. R. 10611) shall apply to §§ 729.405 to 729.408.

Issued at Washington, D. C., this 1st day of April 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-2916; Filed, Apr. 3, 1953; 8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 478, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.585 (Lemon Regulation 478, 18 F R. 1743) are hereby amended to read as follows:

(ii) District 2, 300 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of April 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-2946; Filed, Apr. 3, 1953; 8:55 a. m.]

[Lemon Reg. 479]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.586 *Lemon Regulation 479*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F R. 3612) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 1, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., April 5, 1953, and ending at 12:01 a. m., P s. t., April 12, 1953, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of April 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: March 29, 1953]

[12:01 a. m. Apr. 5, 1953, to 12:01 a. m. Apr. 19, 1953]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.740
American Fruit Growers, Inc., Fullerton	1.149
American Fruit Growers, Inc., Upland	.700
Consolidated Lemon Co	1.021
Hazeltine Packing Co	.960
Ventura Coastal Lemon Co	1.870
Ventura Pacific Co	1.722
Chula Vista Mutual Lemon Association	.710
Index Mutual Association	.627
La Verne Cooperative Citrus Association	4.362
Ventura County Orange & Lemon Association	1.501
Glendora Lemon Growers Association	2.460
Le Verne Lemon Association	.820
La Habra Citrus Association	1.496
Yorba Linda Citrus Association, The	.820
Escondido Lemon Association	4.366
Cucamonga Mesa Growers	2.428
Etiwanda Citrus Fruit Association	.435
San Dimas Lemon Association	2.393
Upland Lemon Growers Association	3.322
Central Lemon Association	1.031
Irvine Citrus Association	.825
Placentia Mutual Orange Association	1.245
Corona Citrus Association	.705
Corona Foothill Lemon Co	2.729
Jameson Co	1.393
Arlington Heights Citrus Co	1.590
College Heights Orange & Lemon Association	3.852
Chula Vista Citrus Association, The	.822
Escondido Cooperative Citrus Association	.379
Fallbrook Citrus Association	2.395
Lemon Grove Citrus Association	.649
Carpinteria Lemon Association	1.269

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Carpinteria Mutual Citrus Association	1.322
Goleta Lemon Association	2.260
Johnston Fruit Co	3.464
North Whittier Heights Citrus Association	1.064
San Fernando Heights Lemon Association	4.605
Sierra Madre-Lamanda Citrus Association	1.416
Briggs Lemon Association	1.132
Culbertson Lemon Association	.647
Fillmore Lemon Association	1.229
Oxnard Citrus Association	3.601
Rancho Sespe	.833
Santa Clara Lemon Association	2.558
Santa Paula Citrus Fruit Association	1.725
Saticoy Lemon Association	1.799
Seaboard Lemon Association	3.948
Somis Lemon Association	2.792
Ventura Citrus Association	787
Ventura County Citrus Association	.311
Limoneira Co	1.444
Teague-McKevett Association	.385
East Whittier Citrus Association	1.113
Murphy Ranch Co	1.910
Dunning Ranch	.000
Far West Produce Distributors	.039
Huarte, Joseph D	.020
Latimer, Harold	.094
Paramount Citrus Association, Inc	711
Santa Rosa Lemon Co	.071
Torn Ranch	.002

[F. R. Doc. 53-2947; Filed, Apr. 3, 1953; 8:55 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 53-13]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

PART 12—CERTIFICATION OF SEAMEN

OATHS OR AFFIRMATIONS BY APPLICANTS FOR LICENSES OR CERTIFICATES

The purpose of the amendments in this document to 46 CFR Parts 10 and 12 is to clarify the requirements regarding the making of oaths of affirmations by applicants for licenses as masters, mates, engineers and pilots; certificates of registry as staff officers; licenses as motorboat operators; licenses as radio officers; certificates of service; and duplicate seamen's documents. It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is not required because these amendments to the regulations are to clarify and revise the procedures to be followed in issuing licenses or certificates to qualified applicants.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521) to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER.

SUBPART 10.02—GENERAL REQUIREMENTS FOR ALL DECK AND ENGINEER OFFICERS' LICENSES

1. Section 10.02-1 (d) is amended to read as follows:

§ 10.02-1 *Issuance of licenses.* * * *

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 50 U. S. C. 732, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

SUBPART 10.13—LICENSING OF RADIO OFFICERS

2. Section 10.13-5 (d) is amended to read as follows:

§ 10.13-5 *General provisions respecting all licenses issued.* * * *

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 50 U. S. C. 732, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

SUBPART 10.15—LICENSING OF OFFICERS FOR UNINSPECTED VESSELS

3. Section 10.15-5 (f) is amended to read as follows:

§ 10.15-5 *Licenses issued and general provisions.* * * *

(f) Every master, mate, or engineer who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 50 U. S. C. 732, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

SUBPART 10.20—MOTORBOAT OPERATORS' LICENSES

4. Section 10.20-3 (c) is amended to read as follows:

§ 10.20-3 *General requirements.* * * *

(c) An applicant for a license as an operator shall submit an application on Coast Guard Form 866 to the Officer in Charge, Marine Inspection. If the applicant's capacity, knowledge, experience, character and habits of life are such as to warrant entrusting him with the duties and responsibilities involved in the operation and navigation of motorboats carrying passengers for hire, a license authorizing him to discharge such duties on any such motorboats for a term of five years shall be issued to him, except that when the applicant is the holder of a currently valid license as master, pilot, or other deck officer, a motorboat operator's license may be granted without requiring a physical or professional examination if recent service under his license can be shown, and such applicant shall not be required to surrender his license as master, pilot, or other deck officer.

SUBPART 10.25—REGISTRATION OF STAFF OFFICERS

5. Section 10.25-7 is amended by changing paragraphs (a), (h) and (l) to read as follows:

§ 10.25-7 *General requirements.* (a) The applicant for a certificate of registry shall make a written application on Coast Guard Form 866 in duplicate. This application shall be made to an appropriate Officer in Charge, Marine Inspection, having jurisdiction over a seaport or a Great Lakes port.

* * * * *

(h) An Officer in Charge, Marine Inspection, shall issue a certificate of registry as staff officer to an applicant who has qualified for such certificate and who has made oath or affirmation before him, or a commissioned officer of the Coast Guard authorized to administer oaths under 50 U. S. C. 732, that he will faithfully and honestly perform all the duties of his office required of him by law.

* * * * *

(l) Any person whose certificate of registry has been stolen, lost or destroyed shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible, and if a duplicate certificate is desired, a properly executed application on Coast Guard Form 719-E, giving satisfactory evidence of such loss shall be furnished an Officer in Charge, Marine Inspection, along with one photograph as required in the case of an application for an original certificate. The Officer in Charge, Marine Inspection, shall transmit the application and photograph to Coast Guard Headquarters and the Commandant shall cause to be prepared a certificate which will be similar to the former certificate, bear the same book or identification number as the former certificate and will be marked "Duplicate."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4417a, 4426, 4427, 4438-4442, 4445, 4447, as amended, sec. 2, 29 Stat. 183, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, sec. 7, 53 Stat. 1147, secs. 7, 17, 54 Stat. 163, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1133, and 50 U. S. C. App. 1275)

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

6. Section 12.02-23 (d) is amended to read as follows:

§ 12.02-23 *Issuance of duplicate documents.* * * *

(d) A seaman shall be required to furnish one properly executed application on Coast Guard Form 719-E, giving

satisfactory evidence of the loss of his documents to the Officer in Charge, Marine Inspection, Shipping Commissioner, Collector of Customs, Deputy Collector of Customs, or other authorized person. The application shall be accompanied by one photograph for each reissue of document requested, except no photograph is required for a reissue certificate of discharge. The application and necessary photographs shall be forwarded by the official receiving them to Coast Guard Headquarters and the Commandant will cause to be prepared a duplicate of lost document requested. The duplicate document will be prepared from available records at Coast Guard Headquarters and returned for issuance to the office which forwarded the application. The reissued document will be marked "duplicate," and will bear the same number as the original book or certificate of identification with the addition of the suffix "D-1" on the first reissue, "D-2" on the second reissue, "D-3" on the third reissue, etc., such suffix shall then become part of the serial number and shall be recorded in all subsequent records.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interprets or applies R. S. 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, secs. 1, 2, 49 Stat. 1544, 1545, sec. 5, 49 Stat. 1935, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, sec. 5, 55 Stat. 244, 245, sec. 3, 54 Stat. 346, 55 Stat. 579; 46 U. S. C. 391a, 481, 643, 672, 672a, 367, 689, 672b, 672-1, 672-2, 1133, 50 U. S. C. App. 1275)

Dated: March 30, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard Commandant.

[F. R. Doc. 53-2901; Filed, Apr. 3, 1953; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 130 to Schedule A]

[Rent Regulation 2, Amdt. 128 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CERTAIN STATES

Effective April 3, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 1st day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Item 190a in Schedule A of Rent Regulation 1 is amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Jersey				
(190a) Mount Holly-Lakehurst.	B	BURLINGTON COUNTY, except the townships of Bass River, Medford, New Hanover, Shamong, Tabernacle, Washington, and Woodland, and the borough of Medford Lakes in Medford Township.	Mar. 1, 1942	July 1, 1942
	B	In OCEAN COUNTY, the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester and Plumsted, and the boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach, and and South Toms River.	Feb. 1, 1944	Apr. 1, 1945
	C	BURLINGTON COUNTY, except the townships of Bass River, Medford, New Hanover, Shamong, Tabernacle, Washington, and Woodland, and the borough of Medford Lakes in Medford Township; in OCEAN COUNTY, the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted, and the boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach, and and South Toms River.	Aug. 1, 1950	Nov. 7, 1951

2. Item 190a in Schedule A of Rent Regulation 2 is amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Jersey				
(190a) Mount Holly-Lakehurst.	B	BURLINGTON COUNTY, except the townships of Bass River, Medford, New Hanover, Shamong, Tabernacle, Washington, and Woodland, and the borough of Medford Lakes in Medford Township.	Mar. 1, 1942	July 1, 1942
	C	do	Aug. 1, 1950	Nov. 7, 1951
	A	In OCEAN COUNTY, the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted, and the boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach, and South Toms River.	do	Do.

3. The items set forth below in Schedules A of Rent Regulation 1 and Rent Regulation 2 are amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Arkansas				
(23)		[Revoked and decontrolled.]		
California				
(39) San Luis Obispo	B	SAN LUIS OBISPO COUNTY, except the township of Nipomo.	Jan. 1, 1941	July 1, 1942
	C	do	Aug. 1, 1950	Sept. 27, 1951
(40)		[Revoked and decontrolled.]		
Virginia				
(343a) Quantico	A	PRINCE WILLIAM COUNTY, except the districts of Brentsville, Gainesville, and Manassas.	Jan. 1, 1951	Jan. 17, 1952
Washington				
(351)		[Revoked and decontrolled.]		

These amendments decontrol the following, based entirely on a resolution submitted under section 204 (j) (3) of the act:

The Township of New Hanover in Burlington County, New Jersey, a portion of the Mount Holly-Lakehurst Defense-Rental Area.

These amendments also decontrol the following, on the initiative of the Director of Rent Stabilization entirely under section 204 (c) of the act:

The Districts of Brentsville, Gainesville and Manassas in Prince William County, Virginia, portions of the Quantico Defense-Rental Area; and the Port Townsend, Washington, Defense-Rental Area.

In the following localities these amendments also decontrol (1) housing accommodations which were brought under control because the localities were within a critical defense housing area, their decontrol now being based on the joint determination and certification by the Secretary of Defense and Acting Director of Defense Mobilization under section 204 (l) of the act that such localities are no longer included within a critical defense housing area, and (2) all other controlled housing accommodations in the localities, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

The Benton, Arkansas Defense-Rental Area;

The Township of Nipomo in San Luis Obispo County, California, a portion of the San Luis Obispo Defense-Rental Area; and

The Santa Maria, California, Defense-Rental Area.

[F. R. Doc. 53-2910; Filed, Apr. 3, 1953; 8:51 a. m.]

[Rent Regulation 3, Amdt. 124 to Schedule A]

[Rent Regulation 4, Amdt. 67 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CERTAIN STATES

Effective April 3, 1953, Rent Regulation 3 and Rent Regulation 4 are

amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 1st day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Item 91b in Schedule A of Rent Regulation 3 is amended to read as follows:

(91b) [Revoked and decontrolled.]

2. The items set forth below in Schedules A of Rent Regulation 3 and Rent Regulation 4 are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(23)		[Revoked and decontrolled.]		
(39) San Luis Obispo	California	SAN LUIS OBISPO COUNTY, except the township of Nipomo.	Aug. 1, 1950	Sept. 27, 1951
(40)		[Revoked and decontrolled.]		
(190a) Mount Holly-Lakehurst.	New Jersey	BURLINGTON COUNTY, except the borough of Medford Lakes in Medford Township, and the townships of Bass River, Medford, New Hanover, Shamong, Tabernacle, Washington, and Woodland; and in OCEAN COUNTY, the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted, and the boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach, and South Toms River.	do	Nov. 7, 1951
(343a) Quantico	Virginia	PRINCE WILLIAM COUNTY, except the districts of Brentsville, Gainesville, and Manassas.	Jan. 1, 1951	Jan. 17, 1952
(351) Port Townsend		[Revoked and decontrolled.]		

These amendments decontrol the following, based entirely on a resolution submitted under section 204 (j) (3) of the act:

The Township of New Hanover in Burlington County, New Jersey, a portion of the Mount Holly-Lakehurst Defense-Rental Area (from Rent Regulation 3 and Rent Regulation 4).

These amendments also decontrol the following, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

The Paxton, Illinois, Defense-Rental Area (from Rent Regulation 3 only);

The Port Townsend, Washington, Defense-Rental Area (from Rent Regulation 3 and Rent Regulation 4); and

The Districts of Brentsville, Gainesville and Manassas in Prince William County, Virginia, portions of the Quantico Defense-Rental Area (from Rent Regulation 3 and Rent Regulation 4).

These amendments also decontrol the following localities, by reason of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization under section 204 (l) of the act that such localities are no longer included within a critical defense housing area:

The Benton, Arkansas, Defense-Rental Area;

The Township of Nipomo in San Luis Obispo County, California, a portion of the San Luis Obispo Defense-Rental Area; and

The Santa Maria, California, Defense-Rental Area.

[F. R. Doc. 53-2911; Filed, Apr. 3, 1953; 8:52 a. m.]

Chapter XXIII—Defense Materials Procurement Agency

[MO-3]

ZINC ORE; TOLL AGREEMENTS

REVOCATION

Mineral Order-3 (16 F. R. 3217) is hereby revoked.

This revocation does not relieve any person of obligation or liability incurred under Mineral Order-3 prior to the effective date hereof.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154; E. O. 10281, 16 F. R. 8789)

This revocation shall be effective as of the date hereof.

Dated: March 30, 1953.

HOWARD I. YOUNG,
Deputy Administrator

[F. R. Doc. 53-2900; Filed, Apr. 3, 1953; 8:49 a. m.]

[Revision 1, Amdt. 2]

COLUMBIUM-TANTALUM PURCHASE PROGRAM REGULATION

PURCHASE AGENTS

Pursuant to the authority vested in me by law, this regulation, as revised and amended, is further amended as follows:

SEC. 6. *Purchase agents.* The Fansteel Metallurgical Corporation, North Chicago, Illinois; Wah Chang Corporation, New York, New York; Kennametal Inc., Latrobe, Pennsylvania, and the Emergency Procurement Service of the General Services Administration, shall act as purchase agents for and on behalf of the Government under this program. Offers of ores and concentrates to the Government under this program shall be made to such agents. Purchases made hereunder by the Emergency Procurement Service shall be for the national stockpile.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154; E. O. 10281, 16 F. R. 8789)

This amendment shall be effective as of the date hereof.

Date: March 30, 1953.

HOWARD I. YOUNG,
Deputy Administrator.

[F. R. Doc. 53-2899; Filed, Apr. 3, 1953; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 14]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice of quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California;

Hartford, Litchfield, Middlesex and New Haven Counties, in Connecticut;

Androscoggin, Cumberland, Kennebec, Somerset, and York Counties, in Maine;

City of Baltimore, in Maryland;

Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth and Worcester Counties, in Massachusetts;

Macomb County, in Michigan;

Jefferson County, in Missouri;

Clark County, in Nevada;

Bergen, Burlington, Camden, Cape May, Gloucester, Hudson, Hunterdon, Middlesex, Morris, and Ocean Counties, in New Jersey;

Clarkstown Township, in Rockland County, in New York;

Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County, in Oklahoma;

Bucks, Butler, Delaware, Lehigh and York Counties, in Pennsylvania;

Bristol, Kent, Providence, and Washington Counties, in Rhode Island;

Pierce and Whatcom Counties, in Washington;

Marshall County, in West Virginia.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the folowing additional areas in such States in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Essex and Union Counties, in New Jersey;
Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. It includes within the areas it which vesicular exanthema has been found to exist,

and in which a quarantine has been established:

Macomb County, in Michigan;
Cape May County, in New Jersey.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Maricopa County, in Arizona;
Bay County, in Florida.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended)

Done at Washington, D. C., this 1st day of April 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F R. Doc. 53-2912; Filed, Apr. 3, 1953; 8:56 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 893]

PART 95—CAR SERVICE

MOVEMENT OF ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of March A. D. 1953.

It appearing, that the Defense Transport Administration has made representations to this Commission regarding an emergency existing with respect to ore transportation, and has recommended that this Commission take such action as is necessary under the circumstances; the Commission is of the opinion that an emergency requiring immediate action exists at ports where vessels discharge ores into railroad freight cars: It is ordered, that:

§ 95.893 *Movement of ores restricted, appointment of agent.* (a) Any railroad subject to the Interstate Commerce Act serving ports, including Great Lakes ports, where ores are dumped from vessels, may load and hold cars with ore free from demurrage or storage, only after a permit shall have been issued by the Permit Agent appointed in this section authorizing the loading and holding of such cars.

(b) Application: This section shall apply at all ports where ores, consigned to steel plants affected by railroad work stoppage, are dumped from vessels into railroad freight cars. Only cars owned by those railroads serving the ports or steel plants may be utilized, and such cars, whether billed or unbilled, may be held at any point designated by the roadhaul carrier for its convenience.

(c) Demurrage or storage charges waived: No railroad subject to this section shall assess or collect any demurrage or storage for the detention to such cars loaded with ores and held in accordance with this section.

(d) Appointment of Permit Agent: Charles W Taylor, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., is hereby designated and appointed Permit Agent of the Interstate Commerce Commission. The Permit Agent may issue, deny or revoke permits, either special or general, as authorized in paragraph (a) of this section upon recommendation and certification of the Car Service Division, Association of American Railroads.

(e) Intrastate and interstate traffic: This section shall apply to intrastate, interstate and foreign commerce.

(f) Rules, regulations and practices suspended: The operation of all rules, regulations, and practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(g) Announcement of suspension: Each such railroad or its agent shall publish, file, and post a supplement to each of its tariffs affected hereby in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(h) Effective date: This section shall become effective at 12:01 a. m., April 1, 1953.

(i) Expiration date: This section shall expire at 6:59 a. m., April 7, 1953.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-2889; Filed, Apr. 3, 1953; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 914]

[Docket No. AO-245]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.) notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10:00 a. m., P d. s. t., April 27, 1953, with respect to a proposed marketing agreement and order regulating the handling of Navel oranges grown in the State of Arizona or in that part of the State of California south of the 37th Parallel. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, to proposed revisions in such provisions, and to any appropriate modifications thereof.

Sunkist Growers, Incorporated, a cooperative association of orange growers in California and Arizona, submitted, and requested a hearing on, the proposed marketing agreement and order, the provisions of which are as follows:

§ 914.1 *Definitions.* As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United

States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

(c) "Person" means an individual, partnership, corporation, association, or any other business unit.

(d) "Oranges" means those oranges belonging to the genus Citrus, species sinensis (Linnaeus) Osbeck, and characterized by being seedless and having a navel at its apex, commonly know as Navels, and which are grown in the State of Arizona or in that part of the State of California south of the 37th parallel.

(e) "Fiscal year" means the twelve-month period ending October 31 of each year.

(f) "Committee" means the Navel Orange Administrative Committee established pursuant to § 914.2.

(g) "Grower" and "producer" are synonymous and mean any person who produces oranges for market.

(h) "Handler" means any person who handles oranges.

(i) "Handle" means to buy, sell, consign, transport, or ship oranges (except as a common or contract carrier of oranges owned by another person) or in any other way to place oranges in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (1) the sale of oranges on the tree, (2) the transportation of oranges to a packing-house for the purpose of having such oranges prepared for market, or (3) the sale of oranges at retail by a person in his capacity as such retailer.

(j) "Oranges available for current shipment" means all oranges as measured by the total tree crop.

(k) "Tree crop" means the total quantity of oranges on the trees as determined by the committee.

(l) "Early maturity oranges" means any oranges that have reached maturity, as measured by applicable State laws, in advance of general maturity in the same prorate district.

(m) "General maturity" shall have been reached in any prorate district at such time as the committee determines that allotment shall be distributed to all handlers.

(n) "Box" means a standard two-compartment orange box as defined in section 828.83 of the Agricultural Code of California as in effect on May 1, 1952, of a capacity of approximately 77 pounds of oranges, or the equivalent thereof.

(o) "Central marketing organization" means any organization which markets oranges for more than one handler pursuant to a written contract between such organization and each such handler.

(p) "Carload" means a quantity of oranges equivalent to 462 packed boxes of oranges.

(q) "Export" means shipments of oranges to points outside the continental United States, Canada and Alaska.

§ 914.2 *Navel Orange Administrative Committee—(a) Establishment and membership.* There is hereby established a Navel Orange Administrative Committee consisting of eleven members: For each of whom there shall be an alternate member who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in paragraph (c) (6) of this section. The six members of the committee who shall be growers and who shall not be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

(b) *Term of office.* The term of office of the committee members and alternate members shall be for a period of two years. The first regular term of office shall begin on October 1, 1953, and subsequent terms shall begin on November 1 of each even numbered year thereafter: *Provided,* That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

(c) *Nominations.* (1) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(2) Any cooperative marketing organization, or the growers affiliated therewith, which marketed more than 50 percent of the total volume of oranges marketed in fresh fruit form during the fiscal year in which nominations for members and alternate members of the committee are submitted shall nominate not less than six growers for three grower members; not less than six growers for three alternate members; not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two handler members; and not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two alternate members of the committee.

(3) All cooperative marketing organizations which market oranges and which are not qualified under subparagraph (2) of this paragraph, or the growers affiliated therewith, shall nominate not less than two growers for one grower member; not less than two growers for one alternate member; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate member of the committee.

(4) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate not less than four growers for two grower members; not less than four growers for two alternate members; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate member of the committee.

(5) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to subparagraph (3) of this paragraph shall be weighted in accordance with the volume of oranges handled during the fiscal year preceding the date upon which such nominations are made.

(6) The members of the committee selected by the Secretary pursuant to paragraph (d) of this section shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler) or of a central marketing organization, or in any other way directly associated with the production or marketing of oranges.

(d) *Selection.* (1) From the nominations made pursuant to paragraph (c) (2) of this section the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to paragraph (c) (3) of this section the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to paragraph (c) (4) of this section the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one han-

dler member of the committee and an alternate to such handler member. From the nominations made pursuant to paragraph (c) (6) of this section the Secretary shall select one member of the committee and an alternate to such member.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (c) (1) of this section, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in this part.

(f) *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be selected by the Secretary from nominations made in the manner specified in this section. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in this part.

(h) *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member: *Provided,* That a member may designate an alternate member other than his own alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

(i) *Powers.* The committee shall have the following powers:

(1) To administer the provisions of this part in accordance with its terms;

(2) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(4) To recommend to the Secretary amendments to this part.

(j) *Duties.* The committee shall have the following duties:

(1) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(2) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(3) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(4) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(5) To prepare a monthly statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(6) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(7) To act as intermediary between the Secretary and any grower or handler;

(8) To provide an adequate system for determining the total quantity of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(9) To investigate the growing, handling, and marketing conditions with respect to oranges, and to assemble data in connection therewith;

(10) To submit to the Secretary such available information, including verified reports, as he may request;

(11) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided,* That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee; and

(12) To investigate compliance with the provisions of this subpart.

(k) *Procedure.* (1) A majority of the committee shall constitute a quorum and any action of the committee shall require at least six concurring votes.

(2) The committee may vote by telegraph, telephone, or other means of communication; and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

(l) *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10 for each day or portion thereof spent in attending such meetings.

§ 914.3 *Regulation*—(a) *Marketing policy.* (1) Prior to the recommendation for regulation for each prorate district, the committee shall submit to the Secretary its marketing policy for the ensuing season. Such marketing policy shall contain the following information: (i) The available crop of oranges in the prorate district, including estimated quality and composition of sizes; (ii) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export and by-product channels, together with quantities otherwise to be disposed of; (iii) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (iv) available supplies of competitive oranges in all producing areas of the United States; (v) level and trend of consumer income; (vi) estimated supplies of competitive citrus commodities; (vii) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this paragraph.

(2) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers. The committee shall give notice to growers by publication of notice of such meetings in such newspapers as they deem appropriate and shall advise all handlers by mail of such meetings.

(3) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

(b) *Recommendations for volume regulation.* (1) Each week during the marketing season the committee shall recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district. If, for any reason, the committee fails to recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during each week in each prorate district, as required hereby, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(2) In making its recommendations, the committee shall give due consideration to the following factors: (i) Market prices for oranges, including market prices by grades and sizes; (ii) supply of oranges on track at, and enroute to, the principal markets; (iii) supply, maturity and condition of oranges in the area of production, including the grade and size composition thereof; (iv) marketing prices and supplies of citrus fruits from California, Arizona and competitive producing areas, and supplies of other competitive fruits; (v) trend and level in consumer income; (vi) other relevant factors.

(3) At any time during a week for which the Secretary, pursuant to paragraph (c) of this section, has fixed the quantity of oranges which may be han-

dled, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

(c) *Issuance of volume regulation.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled in each prorate district during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. The quantity so fixed may be increased by the Secretary at any time during such week.

(d) *Prorate bases.* (1) Each person who has oranges available for current shipment shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this part.

(2) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include (i) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (ii) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and (iii) an estimate of the total quantity of oranges available for current shipment by the applicant in terms of a unit of measure designated by the committee.

(3) Such application shall include only such oranges available for current shipment which the applicant controls (i) by a bona fide written contract giving the applicant authority to handle such oranges, or (ii) by having legal title or possession thereof, or (iii) by having executed an enforceable written agreement to purchase such oranges. If an applicant controls oranges pursuant to subdivision (i) or (iii) of this subparagraph, he shall submit a copy of each type of such contract to the committee, together with a statement that no other types of contracts are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(4) If the quantity of oranges available for current shipment by any person is increased or decreased by the acquisition or loss of the control required by subparagraph (3) of this paragraph, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(5) If any person gains or loses control of oranges as required by subparagraph (3) of this paragraph, there shall be a corresponding increase or decrease in the quantity of oranges available for current shipment by such person. If it is determined by the committee that any person who has lost control of oranges as required by subparagraph (3) of this paragraph has handled a quantity of such oranges less than the quantity that could have been handled under the allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of oranges equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(6) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled hereunder, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(7) Each week during the marketing season the committee shall compute the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments in each prorate district, and shall transmit a report thereon to the Secretary. Such report shall constitute the recommendation of the committee for a prorate base for each such person. Such computations and reports shall be prepared and submitted during the week prior to the week when the recommended prorate bases are to become applicable.

(8) Upon the basis of the recommendations and reports of the committee, or from other available information, the Secretary shall fix a prorate base for each person who is entitled thereto in each prorate district. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in each such district by each such person and the total quantity of oranges available for current shipment in each such district by all such persons. The Secretary shall notify the committee of the prorate base fixed for each person and the committee shall notify each such person of the prorate base fixed for him.

(e) *Allotments.* Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, and has fixed prorate bases for persons entitled thereto, the committee shall calculate the quantity of oranges which may be handled by each such person during such week. The said quantity shall be the allotment of each such person and shall be in an amount equivalent to the product of the prorate base for each such person in each such prorate district and the total quantity of oranges grown in each such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

(f) *Overshipments.* During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person when not required to reduce the quantity of oranges which he may handle during such week, as provided in this paragraph or whose total allotment is not required for the repayment of an allotment loan, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or 462 packed equivalent boxes whichever is greater. The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this part) shall be deducted from each such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this part, the remaining quantity shall be deducted from succeeding weekly allotments issued to each such person until such excess has been entirely offset: *Provided,* That no overshipment incurred during one season shall be deducted from allotments issued during the following season. The provisions of this part shall not apply to any person who, during any week, has not received an allotment under this part for such week.

(g) *Undershipments.* If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to paragraph (c) of this section, in an amount less than his allotment of oranges for such week, he may handle, in addition to his allotment for the next week only, a quantity of such oranges equivalent to such undershipment.

(h) *Allotment loans.* (1) A person to whom allotments have been issued, whether under the provisions of early maturity, short life or general maturity, may lend such allotments to other persons within the same prorate district to whom allotments have also been issued: *Provided,* That allotments issued under the short life provisions of this subpart may be loaned only to other persons to whom such allotments have also been issued. Such loans shall be confirmed to the committee by both parties thereto within forty-eight hours after any such agreement has been entered into, and such agreements shall include a date for the repayment of such allotments during the then current marketing season. If, on the date of repayment specified in the loan agreement, the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after the repayment date as he has allotments available to him for that purpose: *Provided,* That no loans made during one season shall be required to be repaid from allotments issued during the following season.

(2) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of subparagraph (1) of this paragraph.

(3) An allotment shall be loaned pursuant to subparagraph (1) of this paragraph for use only during the week for which such allotment was issued. Persons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(4) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof.

(i) In connection with the handling of all oranges other than shipments by rail car, each handler at the time of handling shall issue to the purchaser or his agent an assignment of allotment certificate covering each quantity of oranges so handled. Such assignment of the allotment certificate shall be on such forms as shall be prescribed by the committee and shall contain such information as the committee may require.

(j) *Priority of allotments.* During any week in which a person receives an allotment, and has the right to handle a quantity of oranges in addition to the quantity represented by his allotment, by reason of (1) an undershipment of an allotment, pursuant to paragraph (g) of this section; or (2) the repayment of a loaned allotment, pursuant to (h) of this section; or (3) a borrowed allotment, pursuant to paragraph (h) of this section, and such person handles a quantity of oranges which is less than the total quantity of such oranges which such person may handle during such week, the amount of such oranges handled shall first apply to such person's current weekly allotment (or to that portion which is not used pursuant to paragraph (f) or (h) of this section) and the remainder, if any, shall be applied in the following order: second, to any undershipment of allotments, pursuant to paragraph (g) of this section; third, to any allotment repaid to him, pursuant to paragraph (h) of this section; fourth, to any allotment borrowed, pursuant to paragraph (h) of this section.

(k) *Early maturity allotment.* Notwithstanding the provisions of paragraph (e) of this section, the committee may, prior to reaching general maturity, withhold from the allotments of handlers on a uniform proportionate basis, allotments for the handling of oranges of early maturity. Handlers controlling oranges of early maturity may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in paragraph (b) (2) of this section the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee for each prorate district shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however* That early maturity allotments issued to any handler prior to general maturity shall not permit the shipment of a larger share of the oranges available for current shipment controlled by such handler than the share of oranges available for current shipment in the prorate district estimated to be allotted to all handlers in the utilization schedule established by the committee at the beginning of the season. Early maturity allotments may be loaned only to handlers to whom early maturity allotments have been granted. Upon reaching general maturity, allotments issued for early maturity oranges shall be repaid to the handlers from whom they were withheld. This shall be accomplished by reducing the oranges available for current shipment of each handler who has received early maturity allotments by the quantity of oranges for which early maturity allotments were issued to him, plus his proportionate share of the quantity of oranges that will be used for products or elimination. Such proportionate share shall be based upon the utilization schedule established by the committee at the beginning of the season. The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments withheld, issued, and allocated, and averages computed hereunder shall be on a prorate district basis.

(l) *Short life allotments.* Notwithstanding the provisions of paragraph (e) of this section, the committee shall withhold from the allotment of handlers on a uniform proportionate basis for all handlers, an amount sufficient to permit handlers controlling oranges of short life to handle during the normal marketing period of such short life oranges as large a proportion of oranges as the average which will be handled by all handlers. Handlers controlling oranges of short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions of this paragraph and pursuant to such determination shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his short life oranges. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately than the average allotment to be issued to all handlers of oranges. After a handler of short life oranges has received allotment sufficient to make the total allotment issued to him equal proportionately to the average allotment to be issued to all handlers of oranges, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld. Short life allotments may be used only in the handling of short life oranges. The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments withheld, issued, and allocated, and averages computed under this part shall be on a prorate district basis.

(m) *Central marketing organizations.* The committee shall give any central marketing organization, upon its request, the same notice with respect to prorate bases and allotments applicable to each handler for whom it markets oranges as is given to such handler.

(n) *Recommendations for size regulation.* (1) Whenever the committee finds that the supply and demand conditions for sizes of oranges make it advisable to regulate the handling of sizes of oranges during any period, it shall recommend to the Secretary the sizes of oranges grown in each prorate district which it deems advisable to be handled during said period. Any such recommendation may include a proposal that the handling of oranges shipped to Canada shall be subject to size regulation different from the proposed size regulation applicable to the handling of other shipments of oranges. The committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(2) In making its recommendations the committee shall give due consideration to the factors referred to in paragraph (b) (2) of this section.

(o) *Issuance of size regulations.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of oranges by sizes would tend to effectuate the declared policy of the act, he shall fix the sizes of oranges grown in each such prorate district which may be handled during the specified period. Any such regulation may provide that the handling of oranges shipped to Canada shall be subject to size regulation different from the size regulation applicable to the handling of other shipments of oranges. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

(p) *Exemptions from size regulation.* In the event oranges are regulated pursuant to paragraph (b) of this section, the committee shall issue one or more exemption certificates to any producer who furnishes adequate evidence that he will be prevented by reason of such regulation from having as large a proportion of oranges handled as the average proportion of oranges which will be handled by all other producers in the same prorate district. The committee shall adopt, with the approval of the Secretary procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers.

§ 914.4 *Prorate districts.* For purposes of administration of this part and

in recognition of the fact that there are general differences in maturity and keeping quality of oranges between certain geographical sections of the producing area, the States of California and Arizona shall be divided in three prorate districts as follows:

(a) District 1 shall include that portion of the State of California which is north of a line drawn due east and west through the Tehachapi Mountains and south of the 37th Parallel.

(b) District 2 shall include that portion of the State of California which is south of a line drawn due east and west through the Tehachapi Mountains, but shall exclude Imperial County and that portion of Riverside County situated south and east of San Gorgonio Pass.

(c) District 3 shall include the State of Arizona, Imperial County, California, and that portion of Riverside County, California, situated south and east of San Gorgonio Pass.

§ 914.5 *Oranges not subject to regulation.* Except as otherwise provided in this section nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for commercial processing into products, including juice; (c) for export; or (d) for shipment by parcel post or by express in less than carload lots. No assessment shall be levied pursuant to § 914.6 on oranges disposed of for the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, such rules, regulations and safeguards as it may deem necessary to prevent oranges shipped under the provisions of this paragraph from entering into commercial channels of trade contrary to or in violation of this subpart.

§ 914.6 *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year: *Provided,* That expenses incurred by the committee prior to November 1, 1953, shall be paid from funds collected under the provisions of paragraph (b) of this section during the fiscal year beginning November 1, 1953.

(b) *Assessments.* (1) Each person who first handles oranges shall, with respect to the oranges so handled by him, pay to the committee, upon demand, such person's pro rata share of the expenses which the Secretary finds are necessary during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of such oranges handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of such oranges so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(2) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all oranges handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed ten percent of the estimated expenses set forth in its budget for the then current fiscal year.

(3) The committee may, with the approval of the Secretary, maintain a suit in its own name, or in the names of its members, to enforce the payment of assessments levied under this paragraph.

(c) *Accounting.* (1) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

§ 914.7 *Reports.*—(a) *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to oranges disposed of by each such handler during the immediately preceding week: (1) The total quantity handled; (2) the total quantity disposed of for manufacture into by-products, showing the identity of each by-products processor involved and the quantity of each; (3) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (4) the total quantity shipped for disposition to persons on relief, including quantity donated for charitable purposes, and shipments by parcel post or express in less than carload lots, showing the destination and quantity of each such shipment; and (5) the total quantity disposed of otherwise, showing manner and quantity of each such disposition. As to each such handler, the total of all these five categories shall be the total of all oranges disposed of by said handler.

(b) *Manifest report.* Each handler shall furnish to the committee information regarding the size of oranges in each standard packed box or its equivalent handled by such handler whether such shipments were destined to points in the United States and Alaska or to Canada and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

(c) *Other reports.* Upon request of the committee, made with the approval of the Secretary, every person subject to regulation under this part shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as will enable the committee to perform its duties under this part.

§ 914.8 *Compliance.* Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 914.3 is in effect, unless such person has an allotment, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

§ 914.9 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the committee, for any reason, fails to perform its duties or exercise its powers hereunder, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 914.10 *Effective time and termination*—(a) *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that such

termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of oranges: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such oranges produced for market; but such termination shall be effective only if announced on or before October 15 of the then current fiscal year.

(4) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(2) The said trustees shall (i) continue in such capacity until discharged by the Secretary; (ii) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (iii) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 914.11 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part; or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 914.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 914.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 914.14 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 914.15 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 914.16 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Mutual Orange Distributors, a cooperative association of orange growers in California and Arizona, has proposed the following changes in the proposal submitted by Sunkist Growers, Incorporated:

1. Amend § 914.3 to provide a date in December of each year prior to which volume regulations shall not be made effective.

2. Amend § 914.3 to provide that recommendations for volume regulation shall be made only by handler members of the committee.

3. Amend § 914.10 to provide a termination date, and, if such termination date is later than 2 years after the effective date of a marketing agreement and order, to provide also that a referendum or a public hearing be held at least once each year for the purpose of considering any proposed amendments and requests with reference to the modification, suspension, or termination of the marketing agreement and order.

4. Add a provision that a marketing agreement and order shall not become effective until a date in the fall of 1954.

5. Delete paragraph (c) (6) of § 914.2 and make such other changes in the proposed marketing agreement and order, which are found necessary or desirable, to provide for a committee consisting of 10 members rather than 11 members.

American Fruit Growers, Incorporated, a handler of oranges grown in California and Arizona, has proposed that, if as a result of these proceedings, a marketing agreement and order are made effective, the following changes be made in the proposal submitted by Sunkist Growers, Incorporated:

1. Delete the provisions of § 914.3 concerning volume regulation.

2. Amend § 914.3 to provide that regulations may be issued limiting the handling of oranges by maturity standards.

3. Amend § 914.3 to authorize the issuance of grade regulations.

4. Amend paragraph (1) of § 914.3 to provide for the allocation of allotment to a handler under this paragraph on the basis of actual acreage in a short life district without regard to the percentage of the crop controlled by such handler in other than short life districts.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that the following additions be made in the proposal submitted by Sunkist Growers, Incorporated:

1. Delete the period at the end of the first sentence of § 914.5 and insert, in lieu thereof, the following: "; or (e) in such minimum quantities or type of shipments as the committee may, with the approval of the Secretary, prescribe."

2. Add the following to the marketing agreement:

§ 914.17 *Counterparts.* This agreement may be executed in multiple counterparts, and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 914.18 *Additional parties.* After the effective date of this part, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 914.19 *Order with marketing agreement.* Each contracting handler hereby requests the Secretary to issue, pursuant to the act, an order regulating the handling of oranges by all handlers in the same manner as is provided in this part.

Copies of this notice of hearing may be obtained from the offices of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or the Field Representative, Fruit and Vegetable Branch, Production and Marketing Administration, Room 103, 117 West Ninth Street, Los Angeles, California.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of April 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-2915; Filed, Apr. 3, 1953; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4a, 42]

SPECIAL CIVIL AIR REGULATION

MODIFICATION AND RECERTIFICATION OF AIRPLANE TYPES DOUGLAS DC-3 AND LOCKHEED L-18

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is

hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation which will provide that when changes are made in airplane types Douglas DC-3 and Lockheed L-18 such changes shall be made and, in certain instances, the airplane recertificated in accordance with Part 4a of the Civil Air Regulations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by May 8, 1953. Copies of such communications will be available after May 12, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Douglas DC-3 and the Lockheed L-18 airplane types were originally certificated in 1937 under the then existing rules promulgated by the Bureau of Air Commerce in Bulletin 7A. In accordance with the Civil Aeronautics Act of 1938, the Civil Aeronautics Board has promulgated rules for the certification of aircraft which supersede Bulletin 7A. These rules were contained first in Part 4a and later in Part 4b of the Civil Air Regulations. These two airplanes are the only large airplane types now in general use in the United States which have as a basis for their certification the provisions of Bulletin 7A. Subsequent to the initial type certification of these airplanes, the Administrator of Civil Aeronautics made various changes to the pertinent aircraft specifications, and in some instances certain provisions of Part 4a of the Civil Air Regulations were made applicable to these airplanes.

For a number of years after the initial type certification of the DC-3 and L-18 airplanes relatively few design changes were introduced, and the aircraft specifications regarding maximum certificated weights remained practically unchanged. More recently, however, it has become apparent that with the continued use of the DC-3 and the L-18 certain design changes are being considered by operators which might result in increases in the approved certificated weights of these two airplanes. However, Bulletin 7A does not constitute an adequate regulatory basis upon which increases in certificated weights could be approved by the Administrator. It appears desirable, therefore, that the Civil Air Regulations prescribe a set of uniform rules which would be applicable to the DC-3 and the L-18 when such changes are made.

In view of the foregoing it is proposed to require that if modifications are made to Douglas DC-3 or Lockheed L-18 airplanes which result in changes in design or approved limitations, such modifications shall be made in accordance with the applicable rules of Part 4a of the Civil Air Regulations. In addition to the requirement that modifications be accomplished in accordance with Part 4a, it is proposed to require compliance with designated sections of Part 4a as specific conditions for approval when certain specified changes are accomplished. If the takeoff power limitation is increased for DC-3 or L-18 airplanes, it will be required that the airplane meet the transport category flight characteristic requirements prescribed in §§ 4a.751-T through 4a.759-T. If engines are installed in DC-3 or L-18 airplanes which have a displacement greater than 1,830 cubic inches or which necessitate a major modification or redesign of the engine installation, it will be required that the airplane meet the powerplant installation requirements of §§ 4a.591 through 4a.661. Where, as a result of modification, approval of a maximum certificated take-off weight of greater than 26,900 pounds for the DC-3 and 19,500 pounds for the L-18 is sought, it will be required that the airplane meet the structural requirements of §§ 4a.61 through 4a.299.

Where, by reason of modification or other reasons, it is sought to establish maximum certificated weights for DC-3 or L-18 airplanes other than the presently established weights, the airplane will be required to be recertificated to show the maximum certificated weights established by meeting the transport category performance requirements prescribed in §§ 4a.737-T through 4a.750-T. DC-3 or L-18 airplanes so recertificated shall be required to have an airplane flight manual containing the applicable information prescribed in § 4a.760-T and sufficient information to enable the application of the performance operating limitations prescribed for transport category airplanes. DC-3 or L-18 airplanes so recertificated will be required to be operated in accordance with the transport category performance operating limitations applicable to the operations being conducted.

Accordingly, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to provide in substance as follows:

1. *General modifications.* Contrary provisions of the Civil Air Regulations regarding certification notwithstanding, if modifications are made to Douglas DC-3 or Lockheed L-18 airplane types which result in changes in design or in changes to approved limitations, such modifications shall be made in accordance with the rules of Part 4a of the Civil Air Regulations applicable to the modification being made.

2. *Specific conditions for approval.* Where the following specific changes are made to DC-3 or L-18 airplanes, the airplane shall meet the designated sections of Part 4a:

(a) If the take-off power limitation is increased beyond 1,200 horsepower per engine, compliance shall be shown with the transport category flight characteristics requirements prescribed in §§ 4a.751-T through 4a.759-T.

(b) If engines, other than those presently approved for installation on the airplane, are installed which have a displacement greater than 1,830 cubic inches or which necessitate a major modification or redesign of the engine installation, compliance shall be shown with the powerplant installation requirements prescribed in §§ 4a.591 through 4a.661.

(c) For approval of a maximum certificated take-off weight greater than 26,900 pounds for the DC-3 and 19,500 pounds for the L-18, compliance shall be shown with the structural requirements prescribed in §§ 4a.61 through 4a.299.

3. *Recertification under transport category performance rules.* When it is sought to establish new maximum certificated weights for DC-3 or L-18 airplanes:

(a) The airplane shall be recertificated and the maximum certificated weights established in accordance with the transport category performance requirements prescribed in §§ 4a.737-T through 4a.750-T.

NOTE: Transport category performance requirements result in the establishment of maximum certificated weights for various altitudes.

(b) For each airplane recertificated in accordance with paragraph (a) an airplane flight manual, approved by the Administrator, shall be provided containing the applicable information prescribed in § 4a.760-T and information which will enable the application of the take-off, en route, and landing limitations prescribed for transport category airplanes.

(c) Each airplane recertificated in accordance with paragraph (a) shall be operated in compliance with the transport category performance operating limitations applicable to the operations being conducted.

4. *References.* All references in this regulation to Part 4a are those in effect at the time of modification or recertification.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: March 31, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 53-2917; Filed, Apr. 3, 1953; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration and Commodity Credit Corporation

WAREHOUSE-STORAGE LOANS MADE UNDER 1952 PRICE SUPPORT PROGRAMS

NOTICE OF FINAL DATE OF REDEMPTION OF GRAINS AND RELATED COMMODITIES

Unless earlier demand is made by CCC, warehouse-storage loans under 1952 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless such loans are repaid on or before the final date for repayment specified below, or the producer notifies in writing either the PMA county committee or the PMA commodity office serving the area that the funds have been placed in the mail, CCC will purchase the commodities pursuant to the provisions of the note and loan agreement at the higher of (1) the loan value plus interest and charges or (2) the market value as determined by the appropriate PMA commodity office as of the close of the market on the final date for repayment. In the event such market value is in excess of the loan value plus interest and charges, the excess amount will be paid to the producer by the appropriate PMA commodity office.

Notwithstanding the foregoing provisions, if there is fraud or false representation by the producer in connection with the loan the purchase price applicable to such purchase by CCC shall be the market value only.

Commodity	*Maturity date and final date for repayment*
Grain sorghums	Mar. 31, 1953
Wheat	Apr. 30, 1953
Oats	Do.
Barley	Do.
Rye	Do.
Flaxseed except in California and Arizona	Do.
Dry edible beans	Do.
Rice	Do.
Hay and pasture seeds except range grass seed	Do.
Range grass seed	Sept. 30, 1953
Soybeans	June 1, 1953
Corn	July 31, 1953

The PMA commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue; Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio.

Dallas 2, Texas, 1114 Commerce Street; New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street; Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 3, Minn., 1006 West Lake Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, La., Wirth Building, 120 Marais Street; Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

New York 13, N. Y., 139 Centre Street; Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue; Idaho, Oregon, Washington.

San Francisco 19, Calif., 335 Fell Street, P. O. Box 3638, Rincone Annex; Arizona, California, Nevada, Utah.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 3, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1031; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1447, 1421)

Done at Washington, D. C., this 1st day of April 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-2913; Filed, Apr. 3, 1953; 9:00 a. m.]

AMERICAN-EGYPTIAN AND SEA ISLAND COTTON

DESIGNATION OF AREAS SUITABLE FOR PRODUCTION OF EXTRA LONG STAPLE COTTON

Section 101 of the Agricultural Act of 1949, as amended, provides for price support to cooperators on extra long staple cotton described in subsection (a) and ginned on a roller-type gin as required by subsection (e) of section 347 of the Agricultural Adjustment Act of 1938, as amended. Said subsection 347 (a) relates to extra long staple cotton which is produced from pure strain varieties of the Barbadense species, or any hybrid thereof, or other similar types of extra long staple cotton designated by the Secretary of Agriculture having characteristics needed for various end uses for which American upland cotton is not suitable, and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types. Pursuant to said section 347, and for the purposes of the price support program to be carried out with respect to 1953-crop extra long staple cotton, notice is hereby given as follows:

1. American-Egyptian and Sea Island cotton are varieties of the Barbadense species. Sealand cotton of the 1953 crop is hereby designated as a type of extra long staple cotton; similar to cotton of the Baradense species, which has characteristics needed for various end uses for which American upland cotton is not suitable.

2. The following areas are hereby designated as suitable for the production of the following varieties or types of extra long staple cotton during the 1953 crop year:

(a) *American-Egyptian Cotton.* All American-Egyptian cotton produced from pure strain seed in those areas in which cotton is normally grown with irrigation throughout the growing season in the States of Arizona and New Mexico; and in Imperial and Riverside Counties, California, and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas.

(b) *Sea Island and Sealand Cotton.* All Sea Island and Sealand cotton produced from pure strain seed in Lanier, Cook, Atkinson and Berrien Counties, Georgia, Alachua, Bradford, Columbia, Gilchrist, Hamilton, Jefferson, Lafayette, Lake, Leon, Madison, Marion, Orange, Osceola, Putnam, Seminole, Sumter, Suwanee, Union, and Volusia Counties, Florida, and all Sea Island cotton produced from pure strain seed planted in 1953 in Puerto Rico.

Done at Washington, D. C., this April 1, 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-2914; Filed, Apr. 3, 1953; 9:00 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign and Domestic Commerce

[Docket No. FC-15; Case No. 109]

SATIS, A. G., ET AL.

DECISION OF APPEALS BOARD

In the matter of Satis, A. G., George Hutmacher, Ralph H. Brandes, 16 Boersen Strass, Zurich, Switzerland; Appeals Board Docket No. FC-15; O. I. T. Case No. 109.

Under date of March 1, 1950, the Office of International Trade issued a charging letter which was sent to the appellants; their reply thereto is dated March 29, 1950. A Compliance Commissioner of the Office of International Trade, on November 7, 1950, heard the case involving these appellants and other parties involved in the same transaction. The transcript of that hearing, together with the documents and exhibits therein entered, are also a part of the record in this appeal.

Inasmuch as the proceedings before the Compliance Commissioner in respect to these appellants, as well as others involved in the same transaction, were consolidated and the resulting Order Revoking and Denying License Privileges in consequence also refers to parties other than the present appellants, the Appeals Board consented to hear separately the appeal of Satis, A. G., George Hutmacher and Ralph H. Brandes. The letter of appeal in this case is dated December 22, 1951, and a hearing in the matter was held by the Appeals Board on August 19 and August 21, 1952. The appellants stated previously that they would not be present or be represented by counsel although given a full opportunity to do so. They did, however, submit to the Board certain briefs and documents in their behalf. The appeal, therefore, was heard on the basis of the

documents before the Board, oral presentation by counsel for the Government and interrogation of Government counsel by the Board.

Although the Appeals Board arrived at an opinion in respect of the Satis appeal shortly after the oral hearing, it has withheld announcement of its formal decision thereon until the appeal of N. V. Van Uden's Transport-Bureau and Leopold Leo Kolisch (other parties referred to in the Order Revoking and Denying License Privileges) should be heard in consideration of the possibility that such a hearing might favorably affect the Satis case. The appeal of N. V Van Uden's Transport-Bureau and Leopold Leo Kolisch having been heard orally on February 25, 26, 1953, without developing information favorable to Satis, there is no further reason to defer the announcement of the Appeals Board decision in this matter.

Satis, A. G. (hereinafter referred to as "Satis") is and at all times relevant to this proceeding was engaged in Zurich, Switzerland, in the conduct of a general import and export business. Dr. George Hutmacher is and at all times relevant to this proceeding was Manager of Satis. Mr. Ralph H. Brandes is referred to in the Order Revoking and Denying License Privileges as an official of Satis; however, in Satis' appeal this is said to be an error and he is described only as one "who happens to know our firm" Whatever Brandes' official status, it is clear from the evidence that he was a responsible and active party in the transaction giving rise to this proceeding. Since the issuance of the Order Revoking and Denying License Privileges there has been no evidence introduced on Brandes' behalf to controvert the Commissioner's findings. The Board has therefore considered him as joined in this appeal.

It has been established that the Office of International Trade issued an export license to an American exporter, authorizing the shipment of one 12' x 16' Extension Hypro Vertical Boring and Turning Mill (hereinafter referred to as the "mill") with accessories, all valued at $118,050. The export of this mill was licensed by the Office of International Trade on the representation to it that the ultimate consignee was an Italian firm, that the country of ultimate destination was Italy and that the present appellants were the purchasers thereof. It is not disputed that the mill was to be shipped from the United States via Rotterdam, Holland, and that upon its arrival in Rotterdam it was promptly forwarded to Hungary.

Such diversion of the mill was detrimental to the national security of the United States.

The Office of International Trade would not have licensed the export of this mill had it known that the mill was destined for Hungary and these appellants well knew that a license could only be obtained and, in fact, was obtained on the basis of material representations made by them or in their behalf to the Office of International Trade to the effect that the mill was for an ultimate consignee in Italy.

The appellants seek to persuade the Board that it was their intention to outwit the Hungarian purchasers of the mill by effecting its shipment, after reaching Rotterdam, to Italy. They concede that they were in correspondence with the Hungarian purchasers and the Board is convinced that Hungarian funds were used for the purchase of the mill.

After examination of all the documents in this case and careful consideration of the arguments submitted in the letter of appeal by the present appellants, the Board is convinced that the appellants either made use of or conspired with others for the purpose of carrying out a deliberate and well planned fraud to secure a license for the export of the mill on the basis of false and misleading representations to the Office of International Trade. The Board is not impressed by the effort of these appellants to persuade the Board that they were in fact planning a fraud on the Hungarians; on the contrary the Board is fully persuaded that these appellants were at all times acting knowingly in behalf of the Hungarians to achieve control of the mill and that their misrepresentations to the Office of International Trade were designed for the purpose of carrying out their arrangement with the Hungarian principals.

These appellants argued in their defense that they acted as "payment trustees" by which the Board understands that they wish to limit their responsibility in this case to receiving funds from the buyer and making them available to the seller. Here the Swiss secrecy act has intervened to impede the Board's access to all pertinent information regarding the relevant Letters of Credit, but even in the absence of such complete documentation it is clear that Satis was undoubtedly the payee of a Letter of Credit, opened in its favor by the purchaser of the mill, and, there being no evidence to the contrary, the Board believes that this Letter of Credit was opened in Satis' favor by the Hungarians. Satis in turn opened a Letter of Credit in favor of the American exporter for its own account. Thus, there came a time when the documents controlling this shipment were deliverable to Satis by the exporter by virtue of its Letter of Credit. At this point Satis was clearly in control of the shipment and could have disposed of it however Satis might wish. It was only necessary for Satis to arrange delivery of the documents to a representative of the Italian firm in order to effect delivery of the mill to the Italian consignee in accordance with the export license. Satis did not do this and the title documents thereafter appeared in the hands of the Rotterdam freight forwarder who acted in accordance with instructions from the Hungarian principals.

The Appeals Board finds that:

1. The findings of the Compliance Commissioner are supported by substantial evidence.

2. The provisions of the Order Revoking and Denying License Privileges, dated September 24, 1951, insofar as they relate to these appellants, are appropriate.

Now, therefore, it is ordered, That the appeal of Satis, A. G., George Hutmacher and Ralph H. Brandes be, and it hereby is, denied, and the said Order Revoking and Denying License Privileges is, in all respects in which it relates to these appellants, sustained.

FREDERIC W. OLLISTEAD,
Chairman, Appeals Board.

MARCH 30, 1953.

[F. R. Doc. 53-2886; Filed, Apr. 3, 1953; 8:46 a. m.]

[Docket FC-12; Case No. 109]

N. V VAN UDEN'S TRANSPORT-BUREAU AND LEOPOLD LEO KOLISCH

DECISION OF APPEALS BOARD

In the matter of N. V. Van Uden's Transport-Bureau now trading under the style of N. V. Nederlands Transport-Bureau, Veerhaven 15, Rotterdam, Holland, and Leopold Leo Kolisch, Veerhaven 15, Rotterdam, Holland, Appeals Board Docket FC-12; O. I. T. Case No. 109.

The voluminous and complicated record in this case begins with a charging letter, dated June 28, 1950, sent to the appellants by the Office of International Trade. The reply thereto is dated July 26, 1950. The case was heard by a Compliance Commissioner of the Office of International Trade on November 7, 1950, and the transcript of that hearing, together with the documents and exhibits entered at that hearing, are a part of the record in this appeal. At the said hearing the case of these appellants was consolidated with that against others involved in the same transaction, but the Appeals Board consented to hear arguments on the resulting appeals separately. The Compliance Commissioner made his Report under date of September 7, 1951, and the Order Revoking and Denying License Privileges is dated September 24, 1951. The order has been in full force and effect since the date thereof.

Under date of October 6, 1951, an appeal was taken to this Board from such of the provisions of the said Order Revoking and Denying License Privileges as relate to the present appellants. Briefs have been filed by the appellants and at their request a date was set for argument of the appeal at the convenience of the appellants.

The arguments of the appeal were heard by the Board on February 25, 26, 1953, at which hearing the appellants were represented by counsel, Dr. A. C. W. Beerman of the law firm of Drs. Nolst Trenite, Beerman and Bergsma of Rotterdam, Holland.

It has been established by the Government, and the appellants do not dispute the fact that the Office of International Trade issued an export license on November 21, 1949, to an American exporter, pursuant to his application therefor (No. 1864038) authorizing the shipment of one 12' x 16' Extension Hypro Vertical Boring and Turning Mill with accessories, all valued at $118,050. The export of this Boring and Turning

Mill (referred to hereafter as the "mill") was authorized by the Office of International Trade on the representation that the ultimate consignee was an Italian firm, and that the country of ultimate destination was Italy, and that the purchaser was a Swiss firm. All parties admit that the mill was diverted to Hungary upon arrival at Rotterdam, Holland.

The appellant, N. V Van Uden's Transport-Bureau noted as freight forwarder in Rotterdam. Appellant, Kolisch, was at the time of the transaction, and still is, the Managing Director of this firm.

These appellants were charged with, and subsequently were found to have been guilty of, willful concealment from United States Government officials, who were conducting an investigation regarding the ultimate destination of the mill, of certain information then in their possession and which, if they had made a timely disclosure thereof, would have been of great assistance to the United States Government and might have prevented the unauthorized diversion of the mill to a destination to which it would not have been licensed, and which diversion was detrimental to the national security of the United States.

The appellants argue that, in 1949, they did not have precise knowledge of the laws and regulations of the United States relative to exports. On this point, the Order Revoking and Denying License Privileges says:

> As prominent freight forwarders handling a substantial volume of United States shipments to Europe and elsewhere through the busy port of Rotterdam, and dealing regularly with correspondent freight forwarding firms in the United States, they were plainly chargeable in December 1949 with knowledge of the stringent controls which had been exerted by the United States over exports of strategic commodities to Iron Curtain countries since the early part of 1948.

The question of whether these appellants, being foreigners, are chargeable with knowledge of the export control regulations is not, in our opinion, controlling. The evidence clearly establishes that the appellants, in view of all the circumstances, had adequate knowledge of the situation to cause them to choose whether to assist the United States or to close their eyes to its interests and to follow blindly the instructions which they had received however much their actions might damage the interests of this nation.

The Bill of Lading covering the Ocean shipment of the mill was made out to the order of the American shipper and was endorsed in blank. Control of the shipment covered by the Bill of Lading, therefore, lay with any proper holder of this document. Pursuant thereto the shipment was delivered by the ocean carrier to these appellants. However, the Bill of Lading bore on its face clear notations to the effect that the ultimate destination of the shipment was Italy, that the ultimate and intermediate consignees were a named Italian firm and that the purchaser was a named Swiss firm. There is no evidence that the appellants ever entertained any doubts that the shipment covered by this Bill of Lading was, in fact, the same mill which, six months previously, they had been instructed to forward to Hungary upon its arrival or that either of them ever made any inquiry in this respect. Despite the notations on the Bill of Lading, they clearly understood that this was the shipment for Hungary and acted promptly on that knowledge. Further, the appellants knew that the shipment resulted from a specific United States export license. Had they not lent themselves to the deception deliberately perpetrated upon the Office of International Trade, they could not have so acted in the circumstances as set forth in the record.

The evidence shows that, while the shipment was still on the high seas, the United States Consulate in Rotterdam was instructed to make inquiry of the forwarding agent, i. e., the appellants, as to the destination of the mill. The first inquiry was made prior to the arrival of the ship on January 6, 1950; subsequently, further inquiries were made. The Consulate had had numerous transactions with the appellant firm, and the evidence shows that, in consequence of such transactions, an employee of the firm, one Kluiver, was "in liaison" with the Consulate. The Consulate, therefore, apparently relying on extensive commercial relations with the appellant firm in the past, and the fact that such transactions had been conducted through the intermediary of one Kluiver, an employee of the appellant firm, chose to make its inquiries respecting the subject shipment of Kluiver informally, orally or by telephone.

The appellants argue with great emphasis that the Consulate erred in doing so, and that it should, instead, have addressed a formal inquiry, in writing, to the management of the concern.

The appellants argue, further, that had the Consulate made written request of the firm's management for the desired information, it would have been promptly and fully disclosed. What might have happened had the Consulate pursued a different course must remain wholly in the realm of conjecture, but later events must certainly cast doubt on this contention of the appellants.

It is established that the appellants had received the pertinent instructions from Hungary in June 1949 that the relative non-negotiable copy of the Bill of Lading was in possession of the appellant firm in December 1949; that the appellant firm was throughout this period prepared to act, and finally did forward the mill to Hungary about six days after its arrival at Rotterdam. The various inquiries addressed to Kluiver by the Consulate resulted, in the first instance, in a statement that nothing would be known until the ship arrived on or about January 6, 1950, and thereafter elicited no informative statements but only such as would serve to delay or mislead the Consulate in its inquiries. The Board considers it unlikely that an inquiry of this nature from the Consulate of the United States would not have been reported by Kluiver promptly to higher officials of the appellant firm, in which event, had they desired to cooperate, they would have made the desired information available to the Consulate. The appellants, however, rest much of their argument on the position that the Consulate erred in addressing its inquiry to this employee.

The mill was forwarded on to Hungary on or about January 12, 1950. Only on the 24th of January, when the mill was safely out of reach, did Kluiver suggest to the Consulate that it had gone to Hungary and that inquiries should be addressed to another employee, one Schlaghecke, who handled Hungarian transactions; Schlaghecke, however, told the Consulate only that the shipment was at the disposal of the Swiss purchaser. The appellants state, and it is not contradicted, that at some time during this period, the appellant Kolisch was in Switzerland, but the Board has not been informed more precisely of his whereabouts or of the dates between which he was absent from Rotterdam. The appellants state that, at some time during this period, the responsible head of the firm remaining in Rotterdam communicated by telephone with Kolisch, advising him of the Consulate's interest in the shipment, and was directed by Kolisch to make the firm's pertinent files available to the Consulate; here again, the Board is not informed of the date of this conversation or the nature thereof in any degree of particularity. However, the evidence shows that, not until February 12, 1950, was there delivered to the Consulate what the appellants state was their complete file relative to the mill.

On February 27, 1950, the appellant, Kolisch, called at the Consulate where he had a long conversation with two of the officials there; these officials, the same day, prepared a memorandum of their conversation with Mr. Kolisch and transmitted it to Washington on March 6, 1950. In it, they report among other things, that Kolisch stated his firm had not known of the Hungarian destination of the mill until the shipment had arrived in Rotterdam. This statement, if made, is clearly shown by the documents in evidence to have been untrue. Counsel for the appellants was first confronted with the report of this statement at the hearing before the Compliance Commissioner. There, and in all the pleadings and affidavits made by appellants subsequently Kolisch remained silent in respect of this statement. Only at the hearing before this Board did Kolisch, through counsel, deny that he made, or could have made, the statement attributed to him; he argues that, with the Consulate in possession of the file, it would have been stupid and futile for him to have made any such statement.

The Board is thus confronted with a clearcut issue, whether to accept the official report by the Consul and Vice Consul of the United States at Rotterdam as to what Kolisch said to them, or Kolisch's denial that he made the statement.

The Board considers that Kolisch's alleged denial by his counsel, made for the first time some three years after the event, is not credible.

The statement by Kolisch is almost the same as the first statement made by Kluiver to the Consulate and shows

clearly that, even had the Consulate followed the procedure which appellants claim it should have followed, the resulting information would have been no more helpful.

There is thus established a clear pattern of untrue, misleading and evasive statements on the part of the appellants during the period when the truth, if known to the Consulate in time would have enabled the United States to frustrate the fraud perpetrated upon it. Thereafter, when the mill was beyond reach, these appellants offered their files and claimed that, had the Consulate dealt with responsible officials, it would have received the desired information promptly.

The appellants argue that they were not aware in precise detail of the laws and regulations concerning the control of exports, and submit that, now that their knowledge thereof is clearer, such an offense would not occur again. The Board takes this to mean that, at least since the appellants received and responded to the charging letter from the Office of International Trade, they have been specifically aware of their responsibilities and have consistently conformed to the pertinent laws and regulations in handling United States exports. Whether or not their contention is true does not, of course, appear in the record of this cause. Any such issues can be fully explored if and when the appellants avail themselves of the exculpatory provisions of this order.

Therefore, in considering the suspension applied to these appellants by the Order Revoking and Denying License Privileges, the Board has given sympathetic consideration to this contention by the appellants, and considers that justice is best served by affording them an opportunity to relieve themselves of the full burden of the order if this offense is, in fact, a single isolated instance.

The Appeals Board finds that:

1. The findings of the Compliance Commissioner are supported by substantial evidence.

2. The provisions of the Order Revoking and Denying License Privileges, dated September 24, 1951, insofar as they relate to these appellants, are appropriate.

Now, therefore, it is ordered, That the appeal of N. V Van Uden's Transport-Bureau (now trading under the style of N. V. Nederlands Transportbureau) and Leopold Leo Kolisch, be, and it hereby is, denied; and the said Order Revoking and Denying License Privileges is, in all respects in which it relates to these appellants, sustained:

Provided, That, on or after January 1, 1954, the firm of N. V. Van Uden's Transport-Bureau (now trading under the style of N. V. Nederlands Transportbureau) and/or Leopold Leo Kolisch, shall have the right to file with the Office of International Trade (by mail or otherwise) a declaration under oath that, at no time since July 26, 1950 (the date of the answer by the appellants to the charging letter in this case) has such appellant as may so declare knowingly committed any violation of the provisions of the Export Control Act of 1949 (63 Stat. 7), or of the regulations promulgated thereunder, or of the Order Revoking and Denying License Privileges since September 24, 1951, the date of such order. If such declaration shall be accepted as true by the Office of International Trade, then the Order Revoking and Denying License Privileges shall, insofar as it relates to the appellant making such accepted declaration, be forthwith vacated without further order.

Provided further That the Office of International Trade shall have the right to reject such declaration as untrue within thirty days of the receipt thereof, in which case it shall, within a further period of thirty days, and not more than sixty days after the receipt of such declaration, furnish the appellant making such declaration with a statement describing specific instances as to which the Office of International Trade will allege that the declaration is not, in fact, true.

Provided further, That if such declaration is made and so rejected, the matter shall, upon proper evidentiary showing by the appellant making the declaration, be heard as promptly as possible by a Compliance Commissioner of the Office of International Trade. If the Compliance Commissioner shall find, and his findings be approved by the Assistant Director for Export Supply of the Office of International Trade, that such declaration should have been accepted as true by the Office of International Trade, then the Order Revoking and Denying License Privileges shall, insofar as it relates to the appellant making such declaration, be vacated without further order as from the date of the approval of such finding. In the event that the finding of the Compliance Commissioner, approved by the Assistant Director for Export Supply, be adverse to the appellant making such declaration, then an appeal therefrom may be taken by said appellant to this Board in due course, and the pertinent provisions of the Order Revoking and Denying License Privileges shall remain in full force and effect during the pendency of such appeal.

FREDERIC W. OLLISTEAD,
Chairman, Appeals Board.

MARCH 30, 1953.

[F. R. Doc. 53-2887; Filed, Apr. 3, 1953; 8:46 a. m.]

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 6015-3 between American President Lines, Ltd., The Bank Lines, Ltd., Isthmian Steamship Company et al., modifies Agreement No. 6015 by deleting Ceylon from the trade covered by the agreement. Agreement No. 6015, covers free time allowed on import cargo loaded in the Malayan Union and Colony of Singapore, Indonesia, Siam, Philippine Islands, Japan, on the East Coast of Asia North of Singapore, and Ceylon, and discharged in New York Harbor.

(2) Agreement No. 7901 between Oska Shosen Kaisha, Ltd., and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Japan, Hong Kong, and the Philippine Islands to Puerto Rico, with transshipment at specified U. S. Pacific Coast ports.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 1, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-2833; Filed, Apr. 3, 1953; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

SPECIAL DELEGATIONS OF AUTHORITY

Section IV *Special delegations of authority* is amended as follows:

The introduction to paragraph h is amended as follows:

h. Pursuant to the provisions of Public Law 139 (82d Congress) Roger J. Matthews, Project Engineer, is hereby delegated the following authority in connection with the operation of the Wichita Trailer Repair Depot:

Date approved: March 30, 1953.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 53-2876; Filed, Apr. 3, 1953; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 110]

CLINTON-ELK CITY-CORDELL, OKLAHOMA, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

APRIL 2, 1953.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to

carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Clinton-Elk City-Cordell, Oklahoma, Area: (The area consists of Clinton Township, including Clinton City, in Custer County; the townships of Bessie, Cordell, South Elk, North Elk, East Turkey Creek, West Turkey Creek and Rainey, including the incorporated parts thereof, in Washita County; the townships of Elk, Merritt and Sayre, including Elk City and Sayre City, in Beckham County; and the township of Hobart, including Hobart City, in Kiowa County; all in Oklahoma.)

This supersedes certification made under date of March 9, 1953.

ARTHUR S. FLEMMING,
Acting Director of Defense Mobilization.

[F. R. Doc. 53-2932; Filed, Apr. 2, 1953; 3:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2957]

NORTH PENN GAS CO.

ORDER RELEASING JURISDICTION OVER FEES

MARCH 30, 1953.

The Commission, on February 2, 1953, having issued its order (Holding Company Act Release No. 11691) granting and permitting to become effective an application-declaration, as amended, filed by North Penn Gas Company ("North Penn") a registered holding company and an operating gas utility company, with respect to the issuance of $2,300,000 face amount of 4⅜ percent 20-year Promissory Notes by North Penn and the sale thereof to five insurance companies;

The Commission in said order having reserved jurisdiction with respect to the reasonableness of the finder's fee and the legal fees incurred in connection with the proposed transactions;

It appearing that the fees proposed to be paid by North Penn consist of: (a) A fee of $2,000 payable to McWilliams, Wagoner & Troutman, counsel to North Penn, (b) a fee of $3,250 payable to Ropes, Gray, Best, Coolidge & Rugg for legal services rendered to the purchasers of the aforesaid notes, and (c) a finder's fee of $16,100 to be paid to Eastman, Dillon & Company for its services in securing purchasers of the aforesaid notes; and it appearing to the Commission that the aforesaid fees are not unreasonable, and that the jurisdiction heretofore reserved with respect to the finder's fee and legal fees incurred in connection with the proposed transactions should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the reasonableness of the finder's fee and the legal fees incurred in connection with the aforesaid transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-2878; Filed, Apr. 3, 1953; 8:45 a. m.]

[File No. 70-3015]

BROCKTON EDISON CO. AND EASTERN UTILITIES ASSOCIATES

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF BONDS AND PLEDGING OF ASSETS AND PORTFOLIO SECURITIES

MARCH 30, 1953.

Eastern Utilities Associates ("EUA") a registered holding company, and its public-utility subsidiary company, Brockton Edison Company ("Brockton") having filed an application-declaration with this Commission, pursuant to sections 6 and 11 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-42 (b) (2) U-44 and U-50 thereunder, with respect to the following proposed transactions:

Brockton proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $4,100,000 principal amount of First Mortgage and Collateral Trust Bonds, __ Percent Series, due 1983, and proposes to pledge as security therefor all of its assets (with certain specified exceptions) and its investments in the stock and debt securities of Montaup Electric Company, a subsidiary of Brockton. The bonds will be issued under an Indenture of First Mortgage and Deed of Trust, dated September 1, 1948, as supplemented by a First Supplemental Indenture, to be dated as of February 1, 1953, between Brockton and State Street Trust Company, Boston, Massachusetts, as Trustee. The proceeds from the sale of the bonds will be used to repay short-term promissory notes outstanding in the aggregate principal amount of $4,100,000.

Brockton has requested that the Commission's order herein permit the shortening of the ten day period for inviting bids pursuant to Rule U-50 to not less than six days and that the Commission's order herein become effective upon its issuance. By order, dated March 23, 1953, the Department of Public Utilities of Massachusetts authorized the issuance and sale of the bonds.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period for inviting sealed bids pursuant to Rule U-50 with respect to said bonds be, and hereby is, shortened to not less than six days.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all counsel fees incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-2879; Filed, Apr. 3, 1953; 8:45 a. m.]

[File No. 70-3017]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

ORDER REGARDING ISSUANCE AND SALE OF SHARES OF COMMON STOCK TO PARENT COMPANY BY SUBSIDIARY

MARCH 30, 1953.

Middle South Utilities, Inc. ("Middle South") a registered holding company, and its electric utility subsidiary, Arkansas Power & Light Company ("Arkansas") having filed a joint application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) 7, 9 (a) 10, and 12 (f) thereof and Rule U-43 promulgated thereunder regarding the following proposed transactions, which are more fully set forth in the joint application-declaration, as amended:

Arkansas has presently outstanding 3,860,000 shares of common stock having a par value of $12.50 per share, all of which are owned by Middle South. Arkansas proposes to issue and sell to Middle South and Middle South proposes to acquire an aggregate of 560,000 additional shares of Arkansas' common stock for an aggregate consideration of $7,000,000 ($12.50 per share)

Arkansas is now engaged in an extensive program for the acquisition and construction of new facilities and for the extension and improvement of its present facilities. The proceeds from the sale of the above described common stock will be used by Arkansas to finance in part its construction program.

The application-declaration states that, in order to derive the funds to purchase the common stock from Arkansas, Middle South expects to secure bank

loans which will be made pursuant to the filing of Middle South approved by this Commission on June 3, 1952 (File No. 70-2869)

The proposed sale of common stock by Arkansas has been expressly authorized by the Arkansas Public Service Commission.

Said joint application-declaration having been filed on March 11, 1953, an amendment thereto having been filed on March 19, 1953, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission observing no basis for adverse findings and deeming it appropriate that such joint application-declaration, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2880; Filed, Apr. 3, 1953; 8:46 a. m.]

[File No. 812-822]

COLONIAL FUND, INC., AND COLONIAL MANAGEMENT ASSOCIATES

NOTICE OF APPLICATION

MARCH 30, 1953.

Notice is hereby given that the Colonial Fund, Inc. ("Fund") and Colonial Management Associates ("Associates") with offices at 75 Federal Street, Boston, Massachusetts, have filed an application under section 17 (b) of the Investment Company Act of 1940 requesting an order exempting from section 17 (a) of the act, the sale to Fund by Associates of 100 shares of the capital stock of Railway and Light Securities Company for a consideration of $1,000.

It appears from the application that Fund is a closed-end management investment company registered under the act and that Associates, a limited partnership, is the investment adviser. Fund was formerly known as Railway and Light Securities Company. Stockholder approval was sought and obtained to change its name to that of "The Colonial Fund, Inc." by charter amendment. In order to reserve the corporate name of "The Colonial Fund, Inc.," a corporation of that name was organized under the laws of Delaware on September 25, 1952, and 100 shares of its capital stock were issued to Associates for $1,000. As soon as the aforementioned charter amendment became effective after stockholder approval, Fund took its present corporate name and the corporation organized as "The Colonial Fund, Inc." changed its name to that of Railway and Light Securities Company.

The present Railway and Light Securities Company is an inactive corporation, having no assets other than a small cash balance. Fund desires to buy the 100 shares of stock in question to prevent the use by others of the name of Railway and Light Securities Company which was Fund's previous name and which would cause confusion to the investing public and harm the good will of Fund. It is Fund's intention not to carry the purchased stock as a portfolio security, but to charge the cost of acquisition to operating expense as representing the cost to effect the change in its name.

Since the proposed transaction involves the sale of securities to a registered investment company by a person who is affiliated with such company, such transaction is prohibited by section 17 (a) of the act unless an exemption therefrom is granted by the Commission under section 17 (b) of the act. Accordingly, the application requests an order pursuant to section 17 (b) exempting the proposed transaction from the prohibitions of section 17 (a) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after April 20, 1953, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 17, 1953, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2877; Filed, Apr. 3, 1953; 8:45 a. m.]

[File Nos. 70-2961, 31-494]

MANUFACTURERS TRUST CO.

NOTICE OF PROPOSED ACQUISITION OF SECURITIES ALLOCABLE UNDER PLAN AND REQUEST FOR REVOCATION OF EXEMPTION ORDER AND WITHDRAWAL OF RESTRICTIONS IN SAID ORDER

APRIL 2, 1953.

Manufacturers Trust Company ("Manufacturers"), a banking institution, owns 248,483 shares (25.9 percent) of the outstanding common stock of New England Public Service Company ("NEPSCO"), a registered holding company. NEPSCO, in turn, owns 42.33 percent of the common stock of Central Maine Power Company ("Central Maine") 41.89 percent of the common stock of Public Service Company of New Hampshire ("New Hampshire") and 30.39 percent of the common stock of Central Vermont Public Service Corporation ("Central Vermont") all public utility companies.

On May 17, 1941, the Commission issued an order exempting Manufacturers from the provisions of the Public Utility Holding Company Act of 1935 ("act") applicable to it as a holding company by reason of its direct or indirect ownership of the voting securities of NEPSCO and subsidiary companies, except the provisions of section 4 (a) (3) of the act in so far as it related to the sale or other disposition by Manufacturers of the voting securities of NEPSCO. (9 S. E. C. 283). As a condition to said order, Manufacturers was prohibited from entering into any financial transaction with, or acting as financial agent for NEPSCO, or any of its subsidiaries, other than to the extent that Manufacturers was then acting as co-paying agent for Central Maine and Central Vermont. The exemption order was extended from time to time and was modified to the extent that Manufacturers was permitted to act as paying agent for all of the bonds of Central Maine outstanding and thereafter to be issued under the company's indenture.

On November 6, 1952, NEPSCO filed with this Commission an Amended Plan providing for the distribution of its portfolio stocks to the holders of its preferred and common stocks, and for its liquidation and dissolution. The Commission, after public hearings on the Amended Plan, issued its Findings and Opinion and Order, on February 13, 1953, approving said Amended Plan. The Commission, in its said Order, reserved jurisdiction with respect to the distribution of NEPSCO's portfolio stocks to Manufacturers, pursuant to the terms of the plan, pending disposition of this pending application. On March 25, 1953, the United States District Court for the District of Maine, Southern Division, entered an Order enforcing the Amended Plan.

Notice is hereby given that Manufacturers, as a common stockholder of NEPSCO, has filed an application, and an amendment thereto, with this Commission, pursuant to the Act, requesting an order (a) approving the acquisition of its distributive portion of the portfolio stocks of NEPSCO in connection with its liquidation, (b) revoking the exemption order of the Commission dated May 17, 1941, as amended and extended, and (c) imposing no restrictions with respect to its entering into any financial transaction with, or acting as indenture trustee, transfer agent, or financial agent for Central Maine, New Hampshire and Central Vermont.

All interested persons are referred to said application and amendment, which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Pursuant to the Amended Plan for the liquidation and dissolution of NEPSCO, Manufacturers, by virtue of its owner-

ship of 248,483 shares of common stock of NEPSCO, will be entitled to receive 47,211.77 shares (1.89 percent) of the common stock of Central Maine, 22,363.47 (1.90 percent) of the common stock of New Hampshire and 9,939.32 shares (1.30 percent) of the common stock of Central Vermont. The Amended Plan further provides that, to the extent, if any, that NEPSCO's debts and liabilities, including fees and expenses, are less than the assets remaining after the distribution of portfolio stocks, the balance, together with any cash from the sale of unclaimed stocks will be distributed, at the end of five years from the consummation date of the Amended Plan, pro rata to and among the holders of common stock of NEPSCO, who have surrendered their certificates.

Manufacturers states that it presently does not own 10 percent or more of the voting securities of any holding company or public utility company except NEPSCO; and that it does not own 5 percent or more of the voting securities of any other public utility company or holding company. Applicant further states that, upon consummation of the NEPSCO Amended Plan, the circumstances which gave rise to the issuance of the exemption order and conditions thereto will no longer exist.

Manufacturers agrees that, in the event the Commission grants the application, it will not, without prior approval of this Commission, (a) purchase any additional voting securities of Central Maine, New Hampshire, or Central Vermont, or (b) permit any officer, director or representative of Manufacturers to become an officer, director or representative of Central Maine, New Hampshire, or Central Vermont, and will not have any officer, director or representatives of any of said companies as an officer or director of Manufacturers.

Manufacturers requests that the Commission's order herein become effective on the consummation date of the Amended Plan for the liquidation and dissolution of NEPSCO.

Notice is further given that any interested person may, not later than April 10, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 10, 1953, said application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-2990; Filed, Apr. 3, 1953; 11:00 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27945]

FOREIGN WOODS FROM SOUTHERN TERRITORY, TO IONIA, MICH.

APPLICATION FOR RELIEF

APRIL 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, logs and flitches of mahogany or philippine woods, also built-up woods and veneer, carloads.

From: Points in southern territory.

To: Ionia, Mich.

Grounds for relief: Carrier competition, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 696, supl. 219., C. A. Spaninger, Agent, ICC No. 708, supl. 187., C. A. Spaninger, Agent, ICC No. 709, supl. 188; C. A. Spaninger, Agent, ICC No. 1238, supl. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-2890; Filed, Apr. 3, 1953; 8:47 a. m.]

[4th Sec. Application 27946]

SOFT COAL OR BITUMINOUS FINE COAL FROM BELLEVILLE, SPRINGFIELD, AND NORTHERN ILLINOIS GROUPS, TO BLUE EARTH, MINN.

APPLICATION FOR RELIEF

APRIL 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Soft coal or bituminous fine coal, carloads.

From: Mines in Belleville, Springfield and Northern Illinois groups.

To: Blue Earth, Minn.

Grounds for relief: Carrier competition, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: Gulf, Mobile and Ohio Railroad Company, ICC No. 262, supl. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-2891; Filed, Apr. 3, 1953; 8:47 a. m.]

[4th Sec. Application 27947]

CLASS AND COMMODITY RATES BETWEEN CHARLESTON, S. C., GROUP AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

APRIL 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for Atlantic Coast Line Railroad Company and other carriers listed in the application.

Involving: Class and commodity rates.

Between: Charleston, S. C., group and Port Wentworth, Ga.

Grounds for relief: Carrier competition, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-2892; Filed, Apr. 3, 1953; 8:47 a. m.]

[4th Sec. Application 27948]

CEMENT AND RELATED ARTICLES FROM SOUTHERN TERRITORY, TO JACKSONVILLE, FLA.

APPLICATION FOR RELIEF

APRIL 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Points in southern territory.

To: Jacksonville, Fla.

Grounds for relief: Carrier competition, circuitous routes, market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1244, supl. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-2893; Filed, Apr. 3, 1953; 8:48 a. m.]

[4th Sec. Application 27949]

MAGAZINES AND PERIODICALS FROM LOUISVILLE, KY., TO CLEVELAND, OHIO, AND GRAND RAPIDS, MICH.

APPLICATION FOR RELIEF

APRIL 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to schedules listed in appendix "A" of the application, pursuant to fourth section order No. 17220.

Commodities involved: Magazines, periodicals, parts or sections thereof, and newspaper supplements, carloads.

From: Louisville, Ky.

To: Cleveland, Ohio, and Grand Rapids, Mich.

Grounds for relief: Carrier competition, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-2894; Filed, Apr. 3, 1953; 8:48 a. m.]

[4th Sec. Application 27950]

SULPHUR, CRUDE, MOLTEN, FROM LOUISIANA AND TEXAS, TO POINTS IN THE EAST, SOUTH, MIDDLE WEST AND WEST

APPLICATION FOR RELIEF

APRIL 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3862.

Commodities involved: Sulphur, crude, molten, in tank-car loads.

From: Points in Louisiana and Texas.

To: Points in Alabama, Colorado, Florida, Georgia, Kentucky, Michigan, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia and Wisconsin.

Grounds for relief: Carrier competition, circuitous routes, analogous commodity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-2895; Filed, Apr. 3, 1953; 8:48 a. m.]

[4th Sec. Application 27951]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON AND SPRINGFIELD, MASS., PROVIDENCE, R. I., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

April 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and T. I. McCormack Trucking Company, Inc.

Commodities involved: Various commodities.

Between: Boston and Springfield, Mass., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Motor truck competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-2896; Filed, Apr. 3, 1953; 8:48 a. m.]

[4th Sec. Application 27952]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

APRIL 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Massie Transportation Co., Inc.

Commodities involved: All freight in semi-trailers, also empty trailers, loaded on flat cars.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Motor-truck competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-2897; Filed, Apr. 3, 1953; 8:48 a. m.]

[4th Sec. Application 27953]

COKE FROM MIDDLETOWN, OHIO, TO CENTRAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

APRIL 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Roy S. Kern, Agent, for carriers parties to schedules listed below.

Commodities involved: Coke, coke dust, breeze and screenings, carloads.

From: Middletown, Ohio.

To: Points in central and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Baltimore and Ohio Railroad Company, ICC No. WL-10715, supl. 94; New York Central Railroad Company, ICC No. 1108, supl. 43; Pennsylvania Railroad Company, ICC No. 3104, supl. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-2898; Filed, Apr. 3, 1953; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19209]

BENSENVILLE HOME SOCIETY ET AL.

In re: Bensenville Home Society v. Adolph Nau et al. Real property formerly belonging to Karl Nau. File No. D-28-13159; E. and T. 17265.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Adolph Nau and Heinrich Nau, a/k/a Henry Nau, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Adolph Nau, deceased, and of Heinrich Nau, a/k/a Henry Nau, deceased, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

3. That all right, title, interest and estate, both legal and equitable, of the persons named in subparagraphs 1 and 2 hereof in and to certain real property situated in Cook County, State of Illinois, more particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 1, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Real property situated in Cook County, State of Illinois, more particularly described as follows:

Parcel 1. South one hundred fifteen (115) feet of West twenty (20) feet of the South one-half (S½) of Lot three (3) in Block eleven (11) in Rockwells Addition to Chicago, Section eighteen (18) township thirty-nine (39) North, Range fourteen (14) East of the Third Principal Meridian in Cook County, Illinois.

Parcel 2. Lots seven (7) and eight (8) in Block two (2) Brookfield Homesites, a resubdivision of Bartlett and Roach Addition to Grossdale, being a subdivision of the South West Quarter (SW¼) of the South East (SE¼) Quarter of Section twenty-seven (27), Township thirty-nine (39) North, Range twelve (12) East of the Third Principal Meridian (excepting therefrom the following lots which are not included and are not a part of this resubdivision; lots 25 to 37 both inclusive, and the West Half of Lot 38 in Block two lots 26 and 27 in Block four; lots 9, 10, 37, 38, 39, 40, 45, 46, 47, and 48 in Block 6) in Cook County, Illinois.

[F. R. Doc. 53-2902; Filed, Apr. 3, 1953; 8:50 a. m.]

[Vesting Order 19210]

MICHAEL AND ANNA KETTL

In re: Real property and property insurance policies owned by Michael Kettl and Anna Kettl. F-28-32074.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Michael Kettl and Anna Kettl, each of whose last known address is Untergessenbuch-Post Osterhofen, Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior

to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. Real property situated in the City of Altoona, County of Blair, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to all insurance policies covering the premises described in the aforesaid Exhibit A, and any and all extensions or renewals thereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Michael Kettl and Anna Kettl, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of a designated enemy country, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 1, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

EXHIBIT A

All that certain piece of land with the buildings and improvements thereon erected, situate in the City of Altoona, County of Blair and State of Pennsylvania, fronting Twenty-five (25) feet on the Southeast side of Bell Avenue between Fifteenth (15th) and Sixteenth (16th) Streets, more fully described as follows:

Beginning at a point Three Hundred Twenty-eight feet Eight inches (328 ft. 8 in.) from the Southwest corner of Bell Avenue and Fifteenth (15th) Street as to lot line; thence along said Bell Avenue in a Southwesterly direction a distance of Twenty-five (25) feet to land now or late of Peter Schultz; thence along land of Peter Schultz in a Southeasterly direction a distance of One Hundred and Twenty (120) feet to an alley; thence along said alley in a Northeasterly direction Twenty-five (25) feet to a point; thence in a Northwesterly direction One Hundred and Twenty (120) feet to a point on the Southeast side of Bell Avenue and the place of beginning. Having thereon erected a Two (2) story frame dwelling house, known and designated as premises #1527 Bell Avenue, Altoona, Pennsylvania.

[F. R. Doc. 53-2903; Filed, Apr. 3, 1953; 8:50 a. m.]

[Vesting Order 19211]

FRED AND SELMA S. FRIEDRICHSMEIER

In re: Rights of Fred Friedrichsmeier and Selma S. Friedrichsmeier under insurance contract. File No. F-28-32010-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Fred Friedrichsmeier and Selma S. Friedrichsmeier, whose last known address is Duisburg-Hamborn, Rheinland, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany)

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 185646 issued by the Security Mutual Life Insurance Company, Binghamton, New York, to Fred Friedrichsmeier, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Security Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Fred Friedrichsmeier and Selma S. Friedrichsmeier, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 1, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-2904; Filed, Apr. 3, 1953; 8:50 a. m.]

[Vesting Order 19212]

META OSTERNDORF

In re: Estate of Meta Osterndorf, deceased. D-28-13151.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Marie Ennulat nee Kamphaus, Gerhardine Wedemeyer, nee Kamphaus, a/k/a Gerda Wedemeyer, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That all issue, heirs, next of kin, legatees and distributees, names unknown, of Heinrich Friedrich Schoenbohn, a/k/a Henry Friedrich Shoenbaum, deceased, who there is reasonable cause to believe are, and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany in and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of Meta Osterndorf, deceased, which was administered by the Public Administrator of Kings County, New York, acting as administrator under the judicial supervision of the Surrogate's Court, Kings County, New York (Case No. 8022, 1931) the proceeds of which are now on deposit with the Treasurer of the City of New York, pursuant to decree of said Court dated October 11, 1938, together with all interest and other accretions thereto, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or

control by the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 1, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-2905; Filed, Apr. 3, 1953; 8:50 a. m.]

[Vesting Order 19213]

DEUTSCHE RAIFFEISENBANK

In re: Bank account owned by the Deutsche Raiffeisenbank. F-28-32076.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That the Deutsche Raiffeisenbank, the last known address of which is Tieppenstein, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, Pine Street Corner of Nassau, New York 15, New York arising out of a deposit account, entitled "Deutsche Raiffeisenbank," maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the Deutsche Raiffeisenbank, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 1, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-2906; Filed, Apr. 3, 1953; 8:50 a. m.]

[Vesting Order 19214]

DRESDNER BANK AND CARL LASCHINSKY

In re: Debt owing to Dresdner Bank and Carl Laschinsky. F-28-12936-C-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of, and had its principal place of business in Germany, and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany)

2. That Carl Laschinsky, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany)

3. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 5, New York, arising out of funds recovered under the awards of the Mixed Claims Commission and representing the claims of the Dresdner Bank, Germany, as attorney-in-fact for Carl Laschinsky against the Guaranty Trust Company together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce, and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the Dresdner Bank and Carl Laschinsky, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 1, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-2907; Filed, Apr. 3, 1953; 8:51 a. m.]

[Vesting Order 19215]

CARL PADBERG

In re: Bank account owned by Carl Padberg.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Carl Padberg, whose last known address is Dusseldorf, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, Pine Street Corner of Nassau, New York 15, New

York, arising out of a deposit account in the name of Carl Padberg, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl Padberg, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 1, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-2908; Filed, Apr. 3, 1953; 8:51 a. m.]

[Vesting Order 17949, Amdt.]

PIERSON & CO. AND UNKNOWN PERSONS

In re: Stock registered in the name of Pierson & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1261.

Vesting Order 17949, dated May 24, 1951, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the following certificate numbers set forth with respect to ten (10) share certificates of N. Y. Ontario & Western Railway common stock:

N 52039	N 52045	N 52051	N 52057
N 52040	N 52046	N 52052	N 52059
N 52041	N 52047	N 52053	N 52061
N 52042	N 52048	N 52054	N 52064
N 52043	N 52049	N 52055	N 52065
N 52044	N 52050	N 52056	

and by substituting therefor the following certificate numbers:

N 52439	N 52445	N 52451	N 52457
N 52440	N 52446	N 52452	N 52459
N 52441	N 52447	N 52453	N 52461
N 52442	N 52448	N 52454	N 52464
N 52443	N 52449	N 52455	N 52465
N 52444	N 52450	N 52456	

All other provisions of said Vesting Order 17949 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 1, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-2909; Filed, Apr. 3, 1953; 8:51 a. m.]